

REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL

November 26, 2001

The **REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL** was held on Monday, November 26, 2001, at 7:01p.m. in the Assembly Room, Berkeley County Office Building, 223 N. Live Oak Drive, Moncks Corner, South Carolina.

PRESENT: Mr. James H. Rozier, Jr., Supervisor-Chairman; Mr. Milton Farley, Council Member District No. 1; Ms. Judith K. Spooner, Council Member District No. 2; Mr. William E. Crosby, Council Member District No. 3; Mr. Charles E. Davis, Council Member District No. 4; Mrs. Judy C. Mims, Council Member District No. 6; Mr. Caldwell Pinckney, Jr., Council Member District No. 7; Mr. Henry L. Richardson, Jr., Council Member District No. 8; Mr. D. Mark Stokes, County Attorney, and Ms. Barbara B. Austin, Clerk to County Council. Mr. Steve M. Vaughn, Council Member District No. 5, was absent.

The requirements of the Freedom of Information Act have been complied with by posting the time, date, place and copy of Agenda of this Regular Meeting of Berkeley County Council at the entrance of the Berkeley County Office Building, 223 N. Live Oak Drive, Moncks Corner, South Carolina, and a copy of such notice was mailed to all Council Members, the News media and posted electronically.

Chairman Rozier called the meeting to order. Council Member Spooner led in the Invocation and Council Member Crosby led in the Pledge of Allegiance to the Flag of the United States of America.

Chairman Rozier asked the Council's approval of minutes for Special Council Meetings on October 8, 2001 and October 15, 2001; Public Hearings on Bill Numbered: 01-43, 01-44, 01-45 and 01-46 on October 22, 2001. Also, Regular Council Meeting on October 22, 2001.

It was moved by Council Member Spooner and seconded by Council Member Farley to approve the minutes as presented. The motion was passed by unanimous voice vote of Council.

There was no Public Discussion.

Chairman Rozier indicated there was no need for an Executive Session.

Chairman Rozier stated without objection Alice Shook, Executive Director of Berkeley Citizens, would like to address Council regarding the new 2001 Christmas Ornament.

Ms. Shook explained that Berkeley Citizens and Berkeley Seniors have created a Berkeley County Heritage Ornament as a fundraiser since 1996. This year the Ornament is St. Stephen's Parish Church, and they hope to sell about 500. The proceeds go to both non-profit organizations. Mrs. Shook further reported ornaments may be purchased at Berkeley Citizens, Berkeley Seniors or Berkeley County Supervisor's Office for a cost of \$16.

THIRD READINGS:

“BILL NO. 01-47, AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AGREEMENT BY AND AMONG BERKELEY COUNTY, SOUTH CAROLINA, AND TRITON PCS HOLDINGS COMPANY, L.L.C.; AND OTHER MATTERS RELATING HERETO INCLUDING, WITHOUT LIMITATION, PAYMENT OF A FEE IN LIEU OF TAXES.”

It was moved by Council Member Crosby and seconded by Council Member Spooner to approve on Third and Final Reading **Bill No. 01-47**. The motion was passed by unanimous voice vote of the Council. (A copy of Ordinance No. 01-11-51 is attached to these minutes)

“BILL NO. 01-48, AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AGREEMENT BY AND AMONG BERKELEY COUNTY, SOUTH CAROLINA, AND DIBS-SUN, LLC; AND OTHER MATTERS RELATING THERETO INCLUDING, WITHOUT LIMITATION, PAYMENT OF A FEE IN LIEU OF TAXES.”

It was moved by Council Member Crosby and seconded by Council Member Farley to approve on Third and Final Reading **Bill No. 01-48**. The motion was passed by unanimous voice vote of the Council. (A copy of Ordinance No. 01-11-52 is attached to these minutes)

“BILL NO. 01-49, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO A RECLASSIFICATION OF APPROVED USES OF TMS #232-00-02-100 AND 232-00-02-010.” (Ruth T. Ayers)

It was moved by Council Member Spooner and seconded by Council Member Farley to approve on Third and Final Reading **Bill No. 01-49**. The motion was passed by unanimous voice vote of the Council. (A copy of Ordinance No. 01-11-53 is attached to these minutes)

“Bill No. 01-50, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO A RECLASSIFICATION OF APPROVED USES OF TMS #242-00-02-051.” (Bid Realty)

It was moved by Council Member Spooner and seconded by Council Member Farley to approve on Third and Final Reading **Bill No. 01-50**. The motion was passed by unanimous voice vote of the Council. (A copy of Ordinance No. 01-11-54 is attached to these minutes)

“Bill No. 01-51, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO A RECLASSIFICATION OF APPROVED USES OF TMS #242-00-02-041” (Frances J. Garrison)

It was moved by Council Member Spooner and seconded by Council Member Farley to approve on Third and Final Reading **Bill No. 01-51**. The motion was passed by unanimous voice vote of the Council. (A copy of Ordinance No. 01-11-55 is attached to these minutes)

“BILL NO. 01-52, AN ORDINANCE TO AMEND THE AGREEMENT FOR DEVELOPMENT OF A JOINT COUNTY INDUSTRIAL PARK EXECUTED ON APRIL 24, 1995, BY AN AMONG BERKELEY COUNTY, SOUTH CAROLINA, AND WILLIAMSBURG COUNTY, SOUTH CAROLINA, PROVIDING FOR THE DEVELOPMENT OF A JOINTLY OWNED AND OPERATED INDUSTRIAL/BUSINESS PARK SO AS TO INCLUDE ADDITIONAL PROPERTY IN BOTH BERKLEY COUNTY AND WILLIAMSBURG COUNTY AS PART OF THE JOINT COUNTY INDUSTRIAL PARK, AND OTHER MATTERS RELATING THERETO.”

It was moved by Council Member Spooner and seconded by Council Member Farley to approve on Third and Final Reading **Bill No. 01-52**. The motion was passed by unanimous voice vote of the Council. (A copy of Ordinance No. 01-11-56 is attached to these minutes)

SECOND READINGS:

“BILL NO. 01-54, AN ORDINANCE APPROVING THE FINANCING OF CERTAIN IMPROVEMENTS TO THE SEWER SYSTEM PORTION OF THE WATER AND SEWER SYSTEM OF BERKELEY COUNTY, SOUTH CAROLINA, THROUGH A BORROWING BY THE COUNTY OF NOT EXCEEDING \$6,100,000 INCLUDING CAPITALIZED INTEREST, IF ANY, FROM THE STATE WATER POLLUTION CONTROL REVOLVING FUND, BY AGREEMENT WITH THE SOUTH CAROLINA WATER QUALITY REVOLVING FUND AUTHORITY, PURSUANT TO TITLE 48, CHAPTER 5, CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED; PROVIDING FOR AN AGREEMENT TO MAKE AND TO ACCEPT A LOAN, THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT BETWEEN THE COUNTY AND THE SOUTH CAROLINA WATER QUALITY REVOLVING FUND AUTHORITY, THE EXECUTION AND DELIVERY OF A PROMISSORY NOTE FROM THE COUNTY TO THE SOUTH CAROLINA WATER QUALITY REVOLVING FUND AUTHORITY; AND OTHER MATTERS RELATING THERETO.”

It was moved by Council Member Spooner and seconded by Council Member Crosby to approve on Second Reading **Bill No. 01-54**. The motion was passed by unanimous voice vote of the Council.

Chairman Rozier stated that without objection he would read the following by Bill Number and title:

“BILL NO. 01-55, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO A RECLASSIFICATION OF APPROVED USES OF TMS #233-04-00-019.”
(Lecia O. Martin)

“BILL NO. 01-56, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO A RECLASSIFICATION OF APPROVED USES OF TMS #233-04-00-015.”
(Rose Marie Harmon)

“BILL NO. 01-57, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO A RECLASSIFICATION OF APPROVED USES OF TMS #065-00-00-082.”
(Randel Plyler and Richard Kendall)

“BILL NO. 01-58, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO A RECLASSIFICATION OF APPROVED USES OF TMS #239-00-00-116.”
(Dallas A. Matthews, Jr.)

“BILL NO. 01-60, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO A RECLASSIFICATION OF APPROVED USES OF TMS #263-00-03-013.”
(Sharon E. Anderson-Goss)

“BILL NO. 01-63, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO A RECLASSIFICATION OF APPROVED USES OF TMS #267-00-00-022.”
(Rodney Lockwood)

It was moved by Council Member Spooner and seconded by Council Member Pinckney to approve on Second Reading Bills Numbered: 01-55, 01-56, 01-57, 01-58, 01-60 and 01-63. The motion was passed by unanimous voice vote of the Council.

“BILL NO. 01-61, AN ORDINANCE AUTHORIZING: (1) THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AGREEMENT AMONG BERKELEY COUNTY, SOUTH CAROLINA (THE “COUNTY”), AND SJP, LLC AND PEARLSTINE DISTRIBUTORS, INC., (COLLECTIVELY, THE “COMPANY”); (2) PAYMENT BY THE COMPANY OF CERTAIN FEES IN LIEU OF AD VALOREM TAXES; AND (3) CERTAIN OTHER MATTERS RELATED THERETO.”

It was moved by Council Member Crosby and seconded by Council Member Farley to approve on Second Reading Bill No. 01-61. The motion passed by majority voice vote of the Council, with Council Member Spooner voting “Nay”, and Council Member Mims voting “Nay.”

“BILL NO. 01-62, AN ORDINANCE TO AMEND ORDINANCE NO. 95-6-20 WHICH ESTABLISHED THE DEVON FOREST SPECIAL TAX DISTRICT AND THE DEVON FOREST SPECIAL TAX DISTRICT ADVISORY COMMISSION.”

It was moved by Council Member Spooner and seconded by Council Member Crosby to approve on Second Reading **Bill No. 01-62**. The motion was passed by unanimous voice vote of the Council.

“BILL NO. 01-64, AN ORDINANCE AUTHORIZING CERTAIN ECONOMIC DEVELOPMENT INCENTIVES, INCLUDING A LEASE PURCHASE AGREEMENT BETWEEN BERKELEY COUNTY, SOUTH CAROLINA AND HAARMANN & REIMER, A DELAWARE CORPORATION, RELATING TO THE EXPANSION AND UPGRADING OF ITS EXISTING MANUFACTURING FACILITIES IN BERKELEY COUNTY, SOUTH CAROLINA, THE ACCEPTANCE OF TITLE BY BERKELEY COUNTY, SOUTH CAROLINA TO THESE FACILITIES, THE LEASE BY BERKELEY COUNTY, SOUTH CAROLINA TO HAARMANN & REIMER OF THE ASSETS SO TRANSFERRED (INCLUDING THE GRANT OF AN OPTION OF HAARMANN & REIMER TO REPURCHASE SUCH ASSETS), THE PAYMENT OF A FEE-IN-LIEU OF PROPERTY TAXES, SPECIAL SOURCE REVENUE INCENTIVE AND OTHER RELATED MATTERS.”

It was moved by Council Member Crosby and Seconded by Council Member Spooner to approve on Second Reading **Bill No. 01-64**. The motion was passed by unanimous voice vote of the Council.

FIRST READINGS:

“BILL NO. 01-65, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO A RECLASSIFICATION OF THE APPROVED USES OF TMS #235-00-00-039.” (*Stanley Baker*)

“BILL NO. 01-66, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO A RECLASSIFICATION OF THE APPROVED USES OF TMS #244-11-02-031.” (*Miguel Whaley*)

“BILL NO. 01-67, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO A RECLASSIFICATION OF THE APPROVED USES OF TMS #222-15-00-053.” (*Meredith Bunch*)

“BILL NO. 01-68, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO A RECLASSIFICATION OF THE APPROVED USES OF TMS #197-00-01-009.” (*Emily Whaley Whipple*)

“Bill No. 01-69, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, in regards to a reclassification of the approved uses of TMS #194-00-01-027.” (*Brenda Gooding*)

RESOLUTIONS:

“RESOLUTION SUPPORTING BERKELEY CITIZENS INC.’S APPLICATION FOR FUNDS.”

It was moved by Council Member Spooner and seconded by Council Member Crosby to approve the Resolution as presented. The motion was passed by unanimous voice vote of the Council. (A copy of Resolution No. R 01-42 is attached to these minutes)

“RESOLUTION GIVING AN EXTRA DAY OF PAID VACATION IN RECOGNITION OF THE 2001 CHRISTMAS HOLIDAY.”

It was moved by Council Member Pinckney and seconded by Council Member Crosby to approve the Resolution as presented. The motion was passed by unanimous voice vote of the Council. (A copy of Resolution No. R 01-43 is attached to these minutes)

REPORTS FROM STANDING COMMITTEES:

COMMITTEE ON FINANCE, Council Member Steve M. Vaughn, Chairman.

Council Member Judith K. Spooner reported for Council Member Vaughn, who was absent from the meeting.

Council Member Spooner reported the Committee on Finance met on November 19. All matters have been taken care of on tonight’s agenda. The volunteer Fire Departments provided information to the Committee in regard to their budgets.

COMMITTEE ON LAND USE, Council Member Charles E. Davis, Chairman.

Council Member Davis reported that the Committee on Land Use met on November 19. Many of the matters had been take care of on tonight’s agenda.

The Committee recommends the following item for *Denial*:

Request by **Franklin James Yalladay**, Riverside Circle, Goose Creek, TMS #244-10-00-041 (1 acre), from **R-2, Manufactured Residential District, to R2-R(F), Mobile Home Farm Residential District**. Council District No. 3.

It was moved by Council Member Davis as Land Use Chairman (No Second Required) to accept the recommendation of the Committee for *denial*. The motion passed by unanimous voice vote of Council.

COMMITTEE ON PUBLIC WORKS AND PURCHASING, Council Member William E. Crosby, Chairman.

Council Member Crosby reported the Committee on Public Works and Purchasing met on November 19.

Council Member Crosby moved to accept the Committee's recommendation from Berkeley County Water and Sanitation Authority to award the bid for the Cainhoy Water and Sewer Extension project to **Eadies Construction Co., Inc.** in the amount of **\$674,454.00** (*No Second Required*). The motion passed by unanimous voice vote of the Council.

COMMITTEE ON JUSTICE AND PUBLIC SAFETY, Council Member Milton Farley, Chairman.

No Report

COMMITTEE ON WATER AND SANITATION, Council Member Henry L. Richardson, Jr., Chairman.

Council Member Richardson reported that the Committee on Water and Sanitation met on November 19. Several of the matters had been taken care of tonight's agenda.

Council Member Richardson moved to accept the Committee's recommendation to **debar Elleco Construction Company** for a three-year period (*No Second Required*). The motion was passed by unanimous voice vote of the Council.

Mr. Ross Wattay from Berkeley County Water and Sanitation Authority provided the Committee with an update on the progress of the installation of water lines in the Lake Moultrie Shores area. No action was required.

COMMITTEE ON PLANNING AND DEVELOPMENT, Council Member Judith K. Spooner, Chairman.

Council Member Spooner reported the Committee on Planning and Development met on November 19.

Council Member Spooner moved to accept the Committee's recommendation to accept **Berkeley County Government's Strategic Plan for 2001** (*No Second Required*). The motion was passed by unanimous voice vote of the Council.

Council Member Spooner moved to accept the Committee's recommendation that Supervisor Rozier enter into **negotiation with the Lion's Club** for the lease of Lions Beach (*No Second Required*). The motion was passed by unanimous voice vote of the Council.

COMMITTEE ON COMMUNITY SERVICES, Council Member Judy C. Mims, Chairman.

No Report

COMMITTEE ON HUMAN SERVICES, Council Member Caldwell Pinckney, Jr., Chairman.

Council Member Pinckney reported the Committee on Human Services met on November 19. All matters before it have been taken care of on tonight's agenda.

NOMINATIONS FOR MEMBERSHIP ON BOARDS, COMMISSIONS, ETC.

Council Member Spooner nominated Mr. W. Daniel Moon for the Santee Cooper Counties Promotion Commission.

Chairman Rozier asked that the Council think about three members for future nominations on the RTMA (Regional Transportation Management Association). Two members terms have expired and one cannot serve any longer, due to serving on another Board.

Council Member Crosby reappointed Mr. Herbert Easterlin to the Berkeley County Special Fire Tax District Advisory Commission, District No. 1.

The nominations passed by unanimous voice vote of the Council.

There was no **CORRESPONDENCE, UNFINISHED, OR NEW BUSINESS.**

Chairman Rozier announced that the next Regular Council Meeting of Berkeley County Council would be held on December 17, at 7:00 p.m.

It was moved by Council Member Crosby and seconded by Council Member Spooner to adjourn the Regular Meeting of Council. The motion was passed by unanimous voice vote of the Council.

PUBLIC DISCUSSION:

Mr. Keith Paradise, 123 Mill Pond Ct., Summerville, and Mr. Tim Stephenson, 142 Lakewood, Moncks Corner, represented Berkeley County Fire Chiefs Association. Mr. Stephen stated they were present to provide some additional facts to Council. "Last Monday night's presentation was kind of an eleventh hour, kind of put together. I'm hoping that it did provide you with some information there." Mr. Stephenson explained that with January 1, 2002 fast approaching; they are in the same situation. The Fire Departments are still in need of the Ordinance to help them collect insurance money for house fires, automobile accidents, the open land issue and EMS support. In addition, they are looking into conducting a needs assessment for each one of the smaller departments. Hopefully, to get an idea of where they are and what needs to be done to bring them up to standards. The Fire Department's only objectives were to present the facts. We regret if anybody took those personally or if it offended anyone on the board, that was not their intent. There were items in the presentation that would give Council knowledge to make their decisions on. The funded and non-funded information came from the County's 911-communication center. These calls have increased over the last five years." *(Mr. Stephenson presented to Council a list of the calls since the year 1996. Also, presented was a*

*sample budget that is proposed to the County by the Fire Department. **note:** it was only Whitesville Fire Department's budget)* “In the future all correspondence and presentation will be presented to County Council in the Committee.”

Mr. Stephenson expressed that it was difficult for him to attend the meetings that Mr. Rozier scheduled with the Chiefs, because of his work commitments.

Mr. Rozier explained that he would still have the meetings and understood that not everyone would be able to attend, but anyone was welcomed when they were available.

Council Member Spooner indicated there was some confusion. Presentations were supposed to be made to the five-member Fire Board, and they are to make presentations to Council.

Mr. Paradise, “Negative, that avenue is also open but it hasn’t worked for us to this point. The only thing that has worked is when we are able to come and talk to Council. The five-member board has just been put in place and they don’t have a handle on what is going on, so they are not working with us. We are not making any ground at this point.”

Council Member Davis stated he thought the Chief’s Association Board was disbanded.

Chairman Rozier explained that Berkeley County Council did not elect the Chief’s Association. They are an Association of the Chiefs. What replaced the two boards is the five-member board, Special Fire Tax Advisory Commission.

Mr. Stephenson explained that initially they requested approximately \$800,034. They have gone back and done a quick reassessment of what will carry them through to the next year. Hence, they requested \$400,017 initially by January 1, 2002, which should carry them to June 2002. This will give them a chance to do a needs assessment, that was requested on the smaller departments, and hopefully come up with some better funding ideas to keep these departments running.

Council Member Pinckney asked where the proposed the \$400,017, that they expected by January 1, 2002, was to come from?

Mr. Paradise indicated they were hoping to get a commitment from Berkeley County Council to come together and find the funds for them.

Council Member Crosby asked if the numbers presented for funded and non-funded calls was for all the departments in Berkeley County?

Mr. Stephenson explained that they were only for Whitesville Fire Department.

Mr. Paradise stated they have to make decisions before the first of the year. They have to decide what calls they are going to be able to run and what they are no longer going to be able to do. To be prepared to for this they need a commitment from County Council saying they will

find a way to fund \$400,017 to allow them to get started. "Thus, giving us time to find a better way to fund our smaller departments."

Council Member Richardson questioned how the \$400,017 would be divided between the twenty-six (26) Fire Departments?

Mr. Paradise explained that it would be a weighted division, the same way the \$50 a household is applied now. The smaller would get half of the amount they would get under full funding, as would the larger departments.

Council Member Richardson stated that this is not a solution for at least ten to sixteen Fire Departments. That it is only a solution for four or five.

Mr. Paradise, "No Sir, it is not a solution for any of us, but if we do nothing what are we going to do the first of the year when we can no longer afford to do these calls? This would allow us to go on as we all look together for a permanent solution. This is not a solution, I don't even want to call it a band-aid, but it shows us and Berkeley County Council working together to get the job done. There is a problem; we all have come to that conclusion. This will just allow us to operate next year, and that's all we're asking. Allow us to operate next year without having to cut services to anybody, because we can't afford to do them."

Council Member Spooner, "I'm looking at this one, \$150 for flowers and donations. If you got a budget that is real, real tight already. A digital Camera \$1000, well I know that you can get a nice camera for a lot less than \$1000. Ice Machine \$5000. I am sure if every Fire Department were to sit down and go through their budget they would find funds immediately available for things they need, in items that are not necessary."

Mr. Paradise, "Do you think that would solve our problem?"

Council Member Spooner, "No Sir, but you have come to us on a budget year that was a killer of all killers, and said to us we know you can find \$400,017. I'm saying to you if you use that same psychology and go back and take some time going through your budget, I am sure you can find some loose money, or some money that could be better spend without having to go outside your budget."

Mr. Stephenson, "We are going into arson investigations and crimes scene investigations and can not have a piece of crap camera to do these things, because those pictures are going to end up in a court of law."

Council Member Spooner, "Those are not a part of your funded items? Inspections like that?"

Mr. Paradise, "We are doing it without camera's as such now and we are finding ourselves in court trying to take an arsonist off the streets and we don't have the pictures to prove our case. We had a call earlier today that is a suspected arson scene and we had to borrow someone else's equipment to photograph it."

Council Member Richardson asked what the P.P.E item on the budget provided consisted of?

Mr. Stephenson indicated it consisted of bunker gear: coat, pants, nomex hood, gloves and boots. This is what they use to go inside a fire. It refers to Personal Protective Equipment.

Mr. Paradise explained that other parts of equipment that are required are, monitors, to notify of a call, are \$500 each. There are departments that don't have them, and other departments share with those departments. Company 8 has one of our trucks on loan now.

Council Member Pinckney, "I would like to go on record saying that I applaud the work that you guys do, but we cannot overlook the fact that there is still a problem. I mean a problem bigger than a lot of us realize, because out of the 26 Fire Departments 17 of those are in the rural areas. Out of the 17 Fire Departments that are in the rural areas none of them have an ISO rating less than a 9."

Mr. Paradise, "An ISO rating, as important as that is, is secondary to saving lives!"

Council Member Pinckney, "Hear me out. My understanding is that ISO simply tells you how efficient and well equipped you are to get the job done. My concern is that over half the departments in Berkeley County are not under a 9, and they are in the rural areas. I think we need to have a consultant come in and give us a track record and target dates. That is the only way I see that the folks that we represent in the rural areas are going to really benefit from this. This is my personal opinion, based on past experiences. So, I want you to know that up front."

Mr. Paradise, "We agree, we think that is a great idea, but to say we are to stop and all things are to stand still until that is done would be saying you have a cut on your finger so you cut your arm off. The fact that their ISO rating is very high and needs to be lowered, comes in time. That cannot be done overnight. If their budget is only \$21,000, and all they have been able to do is maintain what they've got, then that's all we can do. All the departments need more money, large and small. We are saying that something has to happen by the first of the year. We have told you for three years and we have tried to get a fee increase through all the different channels and that has been fruitless to this point. After three years of trying we have to do something now. We've showed you the numbers of why. I understand what you are saying; that is all part of the package. And we are telling you to entrust in the Fire Chiefs who are going to put together this assessment and come to you, but we have to have your support. I know that you applaud us, that is great! But if you don't support us in trying to find a way to come up with this money then it doesn't do me any good"

Mr. Stephenson, "Since 1996 the Fire Departments have seen a 187.63% increase in the un-funded calls. At the same time we've only experienced a 145% increase in the fire related calls, and we have done that all with out additional funding since 1996."

Mr. Paradise, "The fire calls themselves, that we are contracted to handle and we are funded to do, increased 145%, and we didn't get any increase this whole amount of time. On top

of that 187% increases of calls that we have never received any funding for that we still provided service since 1996.”

Council Member Pinckney, “Well, here again you have to understand where I am coming from; being in the rural area and representing all the Fire Departments in those areas. As you guys progress, I need to see those guys progress too. One life in Cross is just as important as one life in Goose Creek. One home in Cross is just as important as one home in Goose Creek. It may be a \$200-300 thousand dollar home in Goose Creek, but a \$50-60 thousand dollar home in Cross is still a home, and that is my concern.”

Mr. Paradise, “That has no bearing on what we are asking for, we totally agree with that. A life lost anywhere; it doesn’t matter. You have to also, surely, being a learned man, know there is more risk in Goose Creek where there is many more people transversing and living in the area. There is much more a possibility of a life being lost there than in rural area.”

Council Member Richardson, “This is where we come to some problems. This is the backbone. It is for that reason, that belief, sometime we tend to not focus at all on areas where there is one life lost. It is a problem. We are concerned that the perception is, there is more probability here than over there, then all the attention is over here.”

Mr. Paradise, “No, it explains why more money needs to be spent over there.”

Council Member Richardson, “I understand that more money has to be spent over there, but I don’t see how we can come up with a program that will really, in my opinion, benefit over there. I just want to ask one question. The Chief’s Association, do you guys only concern yourselves with the budget, because nobody really talks about the problems you are having in the rural area? So, I’m thinking you all are not aware of the ISO ratings. Do you address that amongst the Chiefs and do you have a plan to bring that up?”

Mr. Paradise, “Yes, only a small amount of time is spent on the budget. Most of the time is related to things available to the Fire Departments in Berkeley County. There are Fire Chiefs in the County that are very aware, and there are some who are more laid back. We try to bring all those fellows together so they can work to help one another. Everyone’s complaints are heard. I would ask you to come to those meetings so that you can see how they are addressed.”

Chairman Rozier recapped, to gain some understanding, that the request as presented was to get \$400,017 by January?

Mr. Paradise answered that his request was for Berkeley County to give them the commitment to try and find the money by that time, knowing that the is the Fire Departments deadline. They have to know by then in order to know how to run their departments.

Council Member Farley requested a sample budget for each department.

Mr. Paradise, “That is what we are given. Mr. Wrenn tells Pine Ridge you are getting \$178,000, make a budget using \$178,000. That is not how a budget should be done. We should

make a budget showing what we need and what it takes to pay our bills for what we are committed to now. That's the way a budget should be done, because now when we have to come back Rembert Wrenn says you have gotten the money you have asked for every year. You wanted \$178,000, that's what you got."

Council Member Farley, "I see here that you asking for \$50,000 for land for a station on Highway 52. You don't have a station there?"

Mr. Stephenson, "Sir, currently I have two departments in my district. One is located within Sunview Ave., off Highway 17A off Old Whitesville Rd. The second one is located at Gants Rd., off Highway 17A at the Corner of Gants and Compton. ISO came in and did an assessment of my department. I cover 56.2 sq. miles and I am required, in order to drop my ISO rating, to have a third station on the Highway 52 side."

Mr. Paradise, "I would say that any department that needs a new station would put it in their budget, but in a smaller area where they only have 10-15 sq. miles to cover will not need additional stations. ISO takes a circle that covers 5 miles and puts it on your station and if your station can cover, for however many stations you have, 85% of your district, then you get a lower ISO rating, but that is only one part."

Council Member Spooner, "Keith, as far as doing the budget, being given a number and saying work the budget is exactly the way every department on Berkeley County is treated. I think they present budgets differently to us. Mr. Rozier do you remember how much you cut out of the budget last year?"

Chairman Rozier responded \$14 million.

Council Member Spooner, "Okay, if we had done the budget like you say we would have spent \$14 million this year, which would mean a tremendous tax increase. Everybody else gets an amount of money, and they have to make it fit. It's not like we have picked on the Fire Departments and said you have to live with this amount of money. Everybody does that."

Ms. Marietta Hicks, 1207 Edward Drive, presented a handout to Council. "I am a citizen and taxpayer of Berkeley County, and a very dedicated volunteer in this County. I give a lot of hours and use of valuable equipment to this County. I have listened to the presentations and read articles, but no one has ever presented dollars. I am the first one to admit there is a problem with the way the fire system in this County. The rich keep getting richer and the poor aren't getting any of the money. The hand out I gave you is the dollar amount of taxes each Fire Department received last year through June 30, 2001. All the information I am providing to you was through the County General Ledger, and information that was provided through Berkeley County, but all of that acquired through the Legal Department through the Freedom of Information Act. So, those of you who know I am a County Employee know that I legitimately requested all of the information presented to you. So, I am not doing anything underhanded tonight. The first column I want to present is tax dollars that each Fire Department receives, as you can see it is a total of \$1,839,245. In that there is a notation that C&B and Pine Ridge Fire Departments also get money from the Sangaree Special Tax District, which I do not have included. That is a

special contract that they have. I will go through the top Fire Districts that receive tax dollars. Caromi Village gets \$162,135, Goose Creek Rural \$375,065, Moncks Corner Rural \$157,665, Pine Ridge \$187,170, remember that does not include the money they get from Sangaree. Whitesville gets \$177,455 in tax money. That is not including the County appropriations money that they get, which totals \$185,324, which the County cuts out of the general budget. Which means the Fire Departments get \$2,024,569 in tax money, whether it is through the County General Fund or Fire Fees. Some of the smaller districts for example: Shullerville-Honey Hill only gets \$21,189, they are able to operate, and I don't know how they do it. Longridge gets \$20,600, Pringletown \$13,110, but Pringletown and Sandridge are mixed together. On top of the money they get from the County, some of the Fire Departments get 1% tax money, which is designated for certain purposes, but this last year in August they got \$180,000, of which Caromi received \$13,000, Pine Ridge \$11,000, C&B \$13,000, Whitesville \$7,000, and Goose Creek Rural \$20,000. That is not in addition to what I have on this spread sheet. Caromi has a budget of \$160,000 and in that they have a payroll of \$45,000. I've been a volunteer for this County for a number of years, and I have never been paid. I didn't realize that being a member of the volunteer Fire Department meant we were going to start paying Chief's or other members. I thought this was all to serve the betterment of our County and not pay people. I have the budget for Cross, Moncks Corner Rural, Alvin and Lake Moultrie. If you want to talk about Medic calls, I know there is one department that does not respond to Medic calls. There are some Fire Chiefs that have personal vehicles that are allotted to them by the Fire Department. Some of them are better than the one I am driving. One, Pine Ridge has an Expedition, which I have pictures of Whitesville has a Ford F150 that was purchased last year. I am driving a 1995 Ford Explorer, and using my own gas to serve the citizens of Berkeley County. You have Fire Departments where people live as their home. I don't mind paying my Fire Fees. I wouldn't mind paying an increase, but I think it needs to be distributed and managed better than it is. Someone needs to be held accountable for it. County Council is the only one that can control the amount of money that goes to them. Now, maybe there needs to be a committee to start auditing them, seeing where the money is going. Maybe some of the money that is going to these larger departments needs to go the smaller ones. I don't know the answers, but I know there is a problem and you are the only ones that can address it."

Council Member Davis, "Ms. Hicks, you base this on the fee per house and the square footage?"

Ms. Hicks, "No Sir, that is actual money that came in. They get \$50 a house and according to the building they get different distributions."

Chairman Rozier, "This is the actual amount that was paid out?"

Ms. Hicks, "Yes, it is what they received according to Berkeley County General Ledger."

Council Member Davis, "That's what they get by the amount of houses they cover. The ones that are getting more money are covering a bigger area with more residents. That's what they are saying now, 'we've got to look at a better way to be able to bring these outlying stations up, that don't have that tax base.'"

Chairman Rozier, "That's what who's saying?"

Council Member Davis, "That's what the Chief's are saying."

Chairman Rozier, "That's not what I got from it."

Ms. Hicks, "No, that's not what I got from it."

Council Member Davis, "They are getting the needs assessments now to see."

Ms. Hicks, "Why haven't they done that before?"

Council Member Davis, "The Chief's Association was just formed. We had three boards that were doing nothing. One of them was supposed to meet every three months and didn't meet for years, and I don't know if that was legal. Since they came on the scene we have seen a lot of changes in the right direction and I think we need to give them a chance. This is the most activity I have seen on the Fire Departments in Berkeley County, as one unit, in the last five years. I think if they keep right on going we are going to double that, and then that."

Council Member Spooner asked if the money that C&B gets in contract is included in the amount shown?

Ms. Hicks stated that it was not.

Council Member Spooner, "At one time Sangaree was not paying the same amount per house that everyone else was, am I right?"

Council Member Davis, "No, we were doing a sliding scale. We were the only ones in the County that funded C&B 100%. We pay a millage rate per house."

Council Member Spooner, "But you pay less than \$50, right?"

Council Member Davis, "We pay 90% of that, we just went up on the millage rate to change that."

Council Member Farley, "You mentioned something about salaries. Do you have any information on that?"

Ms. Hicks, "I understand that the Chief of Pine Ridge is paid, I haven't been able to verify that. I also have on the budget for Caromi, that they have a budget for payroll of \$45,000."

Council Member Spooner asked the Chairman if we have a five-year plan from all of the Fire Departments?

Chairman Rozier, "We do not. We have a five-year plan that has been turned in on twelve of the Departments. Cordsville, Forty-One, Pimlico, Longridge, C&B, Sandridge,

Whitesville, Santee Circle, Cross, Moncks Corner Rural, Lebanon and Jamestown Rural. The others have not turned in a five-year plan, and three of those were turned in since my meeting on Wednesday.”

Public Discussion concluded at 8:20 p.m.

S/Barbara B. Austin
Clerk to County Council

12/17/01
Date Approved

The **REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL** to be held on **Monday, November 26, 2001**, is scheduled to begin at 7:00 P.M., in the Assembly Room, Berkeley County Office Building, 223 North Live Oak Drive, Moncks Comer, South Carolina.

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

APPROVAL OF MINUTES:

Special Council Meeting	October 8, 2001
Special Council Meeting	October 15, 2001
Public Hearings Bills Numbered: 01-43, 01-44, 01-45, 01-46	October 22, 2001
Regular Council Meeting	October 22, 2001

PUBLIC DISCUSSION - Request to be heard must be made prior to Call to Order and comments must be limited to Agenda items being considered for final action.

EXECUTIVE SESSION to discuss matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other businesses in the area served by the county; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the County in other adversary situations involving the assertion against the County of a claim.

THIRD READING:

1. Bill No. 01-47, An Ordinance authorizing the execution and delivery of a fee in lieu of tax agreement by and among Berkeley County, South Carolina, and **Triton PCS Holdings Company, L.L.C.**; and other matters relating hereto including, without limitation, payment of a fee in lieu of taxes.

[Recommended by Committee on Finance]

2. Bill No. 01-48, An Ordinance authorizing the execution and delivery of a fee in lieu of tax agreement by and among Berkeley County, South Carolina, and **DIBS-SUN, LLC**; and other matters relating thereto including, without limitation, payment of a fee in lieu of taxes.

[Recommended by Committee on Finance]

3. Bill No. 01-49, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Ruth T. Ayers**, Trustee, 165 Royle Road, Ladson,

TMS #232-00-02-100 and 232-00-02-010 (15.84 acres total), from **GC, General Commercial District** and **F-1, Flexible District, to LI, Light Industrial District** Council District No. 4.
[Recommended by Committee on Land Use]

4. Bill No. 01-50, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Bid Realty, Royle Road**, Ladson, TMS #242-00-02-051 (17.1 acres), from **GC, General Commercial District, to LI, Light Industrial District**. Council District No. 5.
[Recommended by Committee on Land Use]

5. Bill No. 01-51, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Frances J. Garrison**, 174 Highway 78, Ladson, TMS #242-00-02-041 (1.86 acres), from **R-1, Single Family Residential, to GC, General Commercial District**. Council District No. 5.
[Recommended by Committee on Land Use]

6. Bill No. 01-52, An Ordinance to amend the agreement for development of a Joint County Industrial Park executed on April 24, 1995, by and among Berkeley County, South Carolina, and Williamsburg County, South Carolina, providing for the development of a jointly owned and operated industrial/business park so as to include additional property in both Berkeley County and Williamsburg County as part of the joint county industrial park, and other matters relating thereto.
[Recommended by Committee on Finance]

SECOND READING:

1. Bill No. 01-54, An Ordinance approving the financing of certain improvements to the sewer system portion of the water and sewer system of Berkeley County, South Carolina, through a borrowing by the County of not exceeding \$6,100,000 including capitalized interest, if any, from the State Water Pollution Control Revolving fund, by agreement with the South Carolina Water Quality Revolving Fund Authority, pursuant to Title 48, Chapter 5, Code of Laws of South Carolina 1976, As Amended; providing for an agreement to make and to accept a loan, the execution and delivery of a loan agreement between the County and the South Carolina Water Quality Revolving Fund Authority, the execution and delivery of a promissory note from the County to the South Carolina Water Quality Revolving Fund Authority; and other matters relating thereto.
[Recommended by Committee on Water & Sanitation]

2. Bill No. 01-55, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Lecia O. Martin**, 930 College Park Road, Summerville, TMS 233-04-00-019 (2.87 acres), from **GC, General Commercial District, to RNC, Rural and Neighborhood Commercial District**. Council District No. 4.
[Recommended by Committee on Land Use]

3. Bill No. 01-56, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Rose Marie Harmon**, 130 Bud Lane,

Summerville, TMS #233-04-00-015 (1 Lot), **from R-1, Single Family Residential District, to R-1MM, Multi-Section Residential District.** Council District No. 4.
[Recommended by Committee on Land Use]

4. **Bill No. 01-57, An Ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Randel Plyler and Richard Kendall**, Ranger Drive and Shortcut Road, Cross, TMS #065-00-00-082 (2.37 acres), **from RNC, Rural and Neighborhood Commercial District, to F-1, Agricultural District.** Council District No. 7.
[Recommended by Committee on Land Use]

5. **Bill No. 01-58, An Ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Dallas A. Matthews, Jr.** for Linda Matthews, 1444 Charity Church Road, Huger, TMS #239-00-00-116 (2 acres), **from RNC, Rural and Neighborhood Commercial District, to GC, General Commercial District.** Council District No. 8.
[Recommended by Committee on Land Use]

6. **Bill No. 01-60, an Ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Sharon E. Anderson-Goss**, Clements Ferry Road and Oakview Lane, Wando, TMS #263-00-03-013 (2.12 acres), **from R-2, Mobile Home Residential District, to GC, General Commercial.** Council District No. 8.
[Recommended by Committee on Land Use]

7. **Bill No. 01-61, an Ordinance** authorizing: (1) the execution and delivery of a fee in lieu of tax agreement among Berkeley County, South Carolina (the "County"), and SJP, LLC and Pearlstine Distributors, Inc., (collectively, the "Company"); (2) payment by the company of certain fees in lieu of *ad valorem* taxes; and (3) certain other matters related thereto.
[Recommended Committee on Finance]

8. **Bill No. 01-62, an Ordinance** to amend Ordinance No. 95-6-20 which established the **Devon Forest Special Tax District** and the Devon Forest Special Tax District Advisory Commission.
[Recommended by Committee on Finance]

9. **Bill No. 01-63, an Ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Rodney Lockwood**, 2410 Clements Ferry Road, Wando, TMS #267-00-00-022 (.55 acres), **from R-2, Mobile Home Residential District, to GC, General Commercial District.** Council District No. 8.
[Recommended by Committee on Land Use]

10. **Bill No. 01-64, an ORDINANCE** authorizing certain economic development incentives, including a lease purchase agreement between Berkeley County, South Carolina and **Haarmann & Reimer**, a Delaware Corporation, relating to the expansion and upgrading of its existing manufacturing facilities in Berkeley County, South Carolina, the acceptance of title by Berkeley County, South Carolina to these facilities, the lease by Berkeley County, South Carolina to Haarmann & Reimer of the assets so transferred (including the grant of an option to Haarmann &

Reimer to repurchase such assets), the payment of a fee-in-lieu of property taxes, special source revenue incentive and other related matters
[Recommended by Committee on Finance]

FIRST READING:

1. **Bill No. 01-65**, an **Ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Stanley Baker** for Margaret Mead et al, Montague Plantation Road, Goose Creek, TMS #235-00-00-039 (16 acre portion, 51 acres total), **from LI, Light Industrial District and HI, Heavy Industrial District, to R-1, Single Family Residential District**. Council District No. 3.

[Recommended by Committee on Land Use]

2. **Bill No. 01-66**, an **Ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Miguel Whaley**, Back River Road, Goose Creek, TMS #244-11-02-031 (0.98 acre), **from R-2, Manufactured Residential District, to R-2R(F), Mobile Home Farm Residential District**. Council District No. 3.

[Recommended by Committee on Land Use]

3. **Bill No. 01-67**, an **Ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Meredith Bunch**, 1161 College Park Road, Summerville, TMS #222-15-00-053 (5.5 acres), **from R-1, Single Family Residential District, to GC, General Commercial District**. Council District. No. 4.

[Recommended by Committee on Land Use]

4. **Bill No. 01-68**, an **Ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Emily Whaley Whipple**, Cypress Gardens Road at U. S. Highway 52, TMS #197-00-01-009 (2 acre portion, 32.09 total), **from HI, Heavy Industrial District, to GC, General Commercial District**. Council District No. 4.

[Recommended by Committee on Land Use]

5. **Bill No. 01-69**, an **Ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Brenda Gooding**, 1853 State Road, Summerville, TMS #194-00-01-027 (1.43 acres), **from F-1, Agricultural District, to RNC, Rural and Neighborhood Commercial District**. Council District No. 7.

[Recommended by Committee on Land Use]

RESOLUTIONS:

1. **RESOLUTION** supporting Berkeley Citizens, Inc.'s application for funds.
[Recommended by Committee on Human Services]

2. **RESOLUTION** giving an **Extra Day of Paid Vacation** in Recognition of the 2001 Christmas Holiday.
[Recommended by Committee on Finance]

REPORTS FROM STANDING COMMITTEES:

1. **Committee on Finance.**
Councilmember Steve M. Vaughn, Chairman.
2. **Committee on Land Use.**
Councilmember Charles E. Davis, Chairman.
Recommendations to deny:
Request by Franklin James Yalladay, Riverside Circle, Goose Creek,
TMS #244-10-00-041 (1 acre), from R-2, Manufactured Residential
District, to R2-R(F), Mobile Home Farm Residential District.
Council District No. 3.
3. **Committee on Public Works and Purchasing.**
Councilmember William E. Crosby, Chairman.
 - a. Sealed Bids:
Cainho Water and Sewer Extension Project CDBG #3-L-99-015.
4. **Committee on Justice and Public Safety.**
Councilmember Milton Farley, Chairman.
5. **Committee on Water and Sanitation.**
Councilmember Henry L. Richardson, Jr., Chairman.
 - a. Debar Elleco Construction Co.
6. **Committee on Planning and Development.**
Councilmember Judith K. Spooner, Chairman.
 - a. Berkeley County's Strategic Plan for 2001.
 - b. Lease of Lions' Beach property.
7. **Committee on Community Services.**
Councilmember Judy C. Mims, Chairman.
8. **Committee on Human Services.**
Councilmember Caldwell Pinckney, Jr., Chairman.

NOMINATIONS FOR MEMBERSHIP ON BOARDS, COMMISSIONS, ETC.

1. BERKELEY COUNTY WATER AND SANITATION APPEALS BOARD
2. BERKELEY COUNTY LIBRARY BOARD
3. BERKELEY COUNTY SPECIAL FIRE TAX ADVISORY COMMISSION
4. CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS
5. HOUSING BOARD OF ADJUSTMENTS AND APPEALS
6. SANGAREE SPECIAL TAX ADVISORY COMMISSION
7. SANTEE COOPER COUNTIES PROMOTION COMMISSION
8. SPIERS LANDING COMMISSION

CORRESPONDENCE

UNFINISHED BUSINESS

NEW BUSINESS

ANNOUNCEMENTS

The December 2001, Regular Meeting of Berkeley County Council will be held on Monday, December 17, 2001, in the Assembly Room, Berkeley County Office Building, 223 N. Live Oak Drive, Moncks Comer, S. C., at 7:00 P.M.

ADJOURNMENT

EXECUTION OF DOCUMENTS BY COUNCIL

PUBLIC DISCUSSION

November 21, 2001
S/Barbara B. Austin
Clerk to County Council